Supreme Court, U.S.
FILED

95 1843 MAR 7 1996

OFFICE OF THE CLERK

Docket No._____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER 1995 TERM

MICHAEL ROBINETT
Petitioner

v.

THE
FEDERAL GOVERNMENT OF THE UNITED STATES
Respondent

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT
IN 95-5023

PETITION FOR A WRIT OF CERTIORARI

Plaintiff Pro-Se
Michael Robinett
1609 South Fairfield Drive
Pensacola, Florida 32507
(904) 456-9777

44pp

QUESTIONS PRESENTED FOR REVIEW

1. Are the plaintiff's claims for back wages, expenses, ordinary income losses and personal injury damages in the jurisdiction of the U.S. Court of Appeals for the Federal Circuit or are they properly in the jurisdiction of the U.S. Supreme Court? The claims are set out on pages 1-10 of the original complaint filed April 8, 1994 in 94-229T. The Order dismissing those claims for lack of jurisdiction was filed April 14, 1994.
2. Is the plaintiff's claim for payment of refund due of federal tax overpayment within the Claim Court's jurisdiction or is it within the Supreme Court's jurisdiction? Plaintiff provided the court with IRS documentation demonstrating an assessed tax liability of zero before filing suit.
3. Was the U.S. Court of Appeals correct in affirming the decision of the lower court in its August 10, 1995 Order in 95-5023 and is the complaint beyond the jurisdiction of the lower court in items 1 & 2 above?
4. Was the Appeals Court in conflict with the decision in Orlikow v. U.S. in regards to the application of the statute of limitations (682 F.Supp. 77 (D.D.C. 1988)) in its August 10, 1995 Order for dismissal and denial of rehearing?
5. Are claims concerning non-specified injections, exposure to radiation, electronic identification tagging, etc., outside the jurisdiction of the lower court and if so, which court does have jurisdiction, the Supreme Court? This also includes radiation exposures outside the specified time periods and geographical regions covered under 28CFR PART 79 where specified time periods end in 1962 and only certain geographical areas are specified.

PARTIES TO THE PROCEEDINGS

MICHAEL ROBINETT
1609 South Fairield Drive
Pensacola, Florida 32507
(904) 456-9777

THE FEDERAL GOVERNMENT
OF THE UNITED STATES
Defense Counsel
Drew S. Day III
Solicitor General of the United States
Room 5614
Department of Justice
10th Street and Constitution Avenue N.W.
Washington, D.C. 20530
(202) 514-2201

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW.....i
PARTIES TO THE PROCEEDING.....ii
TABLE OF CONTENTS.....iii
CITED STATUTES & CASES.....iv
CITATIONS OF COURT ORDERS & ACTIONS.....1
BASIS FOR JURISDICTION OF THE SUPREME COURT.....5
REASONS RELIED ON FOR ALLOWANCE OF WRIT.....7
APPENDIX - A.....A1

CITED STATUTES & AUTHORITIES

Statutes:

The Constitution of the United States
Arcticle III
Amendment I
Amendment IV
Amendment V
Amendment VII
Amendment VIII
Amendment IX
Amendment XIII
Amendment XV
Amendment XXIV
The Internal Revenue Code
Section 999(a) & (b)
Section 1563(a)
Section 883(b)
Section 3231 (a), (b), (d), & (e)
Section 3121 (a) & (b), (2), (5), (6), (7), & (c)
Section 168 (h)(3), (4)(A)(i), (B) (i), (ii), (iii),
(iv), & (v)
Section 9012 (c)(1)(A)
Section 692 (c)(1)(A)
Section 193 (a), (b), (1) & (2)
Section 190 (a)(i)
Section 7422 (c) & (f)
Title 45, Code of Federal Regulations Part 46
Cal-OSHA IWCC Order 10-85
The Tucker Act: 28 U.S.C. 1491.4

CASES

Assassination Archives and Research Center, Inc.
Plaintiff, v. Central Intelligence Agency, Defendant
Civ. A. No. 88-2600 United States District Court,
District of Columbia, Sept. 11, 1989

Fitzgibbon v. Central Intelligence Agency,
Nos. 89-5213, 89-5214 United Statesl Court of
Appeals, District of Columbia Circuit, May 17, 1990,
August 14, 1990

Marks v. Central Intelligence Agency

Orlikow v. United States, Civ. A. No. 80-3163.
United States District Court, District of Columbia,
January 19, 1988

Stanley v. United States, 483, US 669 97 L Ed 2d 550
107 S Ct 3054 No 86-393 April 21, 1987.
June 25, 1987

United States v. Bechtel Corporation, Bechtel Incorporated,
Bechtel Power Corporation, Bechtel International, Inc.,
and Bechtel International Corporation, No. 79-4194
United States Court of Appeals. Ninth Circuit,
January 14, 1981, June 18, 1981

CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS AND ORDERS ENTERED IN THE CASE BY COURTS, AGENCIES, & PLAINTIFF

1. Original case filed April 8, 1994 with the United States Court of Federal Claims.
2. Docketed as 94-229T and assigned to Judge Robert Hodges April 12. 1994.
3. Order to dismiss claims for back wages, expenses, damages, lost income, etc., entered April 14, 1994 citing lack of jurisdiction by the Court.
   Court agrees to consider the income tax refund portion of the case in the same order. Plaintiff submitted IRS documentation as requested.
4. J.G. Philpot assigned as attorney of record for the defense counsel April 21, 1994. Justice Department. (94 cv 00229 / 94-229T).
5. Defense counsel moved for enlargement of time for IRS to retrieve files, plaintiff offered no objections and offered to forward personal tax records to defense counsel for review by same. Plaintiff was told this would not be necessary.
6. Court granted the defense counsel's motion for enlargement of time from May 31, 1994 to July 22, 1994.
7. Plaintiff filed motion for enlargement of time while requesting government documents and filed motion for relief from Order to Dismiss, June 23, 1994.
8. Defense Counsel moved for enlargement of time to July 29, 1994 to allow IRS to provide form 3050, Certification of Lack of Record to serve as basis for dismissal. See item 5 above also.

9. Plaintiff's motion for Relief from Order to Dismiss returned unfiled.
10. Defense Counsel moved for additional extensions of time.
11. Court filed Order August 10, 1994 granting defense counsel and plaintiff to September 9, 1994 to file supplemental information, complaints and responses.
12. Plaintiff filed motion for additional enlargement of time and included motions previously filed for Relief from April 14, 1994 Order to Dismiss.
13. Court filed Order dated September 16, 1994 denying motion for enlargement of time and dismissing the entire complaint. No mention of the Motion for relief from April 14, 1994 Order to Dismiss was made.
14. Plaintiff also filed Motion for Relief from September 16, 1994 Order to Dismiss on September 23, 1994.
15. Court issued Order October 6, 1994 denying the plaintiff's motion for Relief from Order to Dismiss.
16. Appeal was filed by plaintiff with the United States Court of Appeals for the Federal Circuit and docketed as 95-5023, Robinett v. U.S. on November 29, 1994.
17. The Plaintiff-Appellant's brief was filed with the Appeals Court January 26, 1995, Motion to Correct was filed by the plaintiff February 7, 1995 regarding the correct number of an Executive Order and a replacement brief was submitted February 14, 1995.
18. The Appellee's brief was filed March 31, 1995.
19. The Plaintiff-Appellant's reply brief was filed May 1, 1995 along with a motion to correct misstatements in the Appellee's brief.
20. The Appeals Court filed a Decision August 10, 1995

affirming the lower Court's dismissal based on lack of jurisdiction.

21. The plaintiff filed a Petition for Rehearing and Suggestion for Rehearing in Banc September 18, 1995 and made a motion to include additional documentation with the Petition.
22. Court granted the plaintiff's motion to include additional documentation.
23. The United States Court of Appeals for the Federal Circuit filed an Order November 8, 1995 denying the petition for rehearing and declined the suggestion for rehearing in Banc. (95-5023).
24. The Mandate of the Appeals Court issued November 15, 1995.
25. The plaintiff filed for an extension of time to file a Petition for Writ of Certiorari with the United States Supreme Court January 11, 1996 of 60 days to April 7, 1996.
26. The Chief Justice of the U.S. Supreme Court granted an extension up to and including March 7, 1996 to file the petition.
27. The plaintiff filed an application for Stay of Mandate with the Supreme Court January 11, 1996 which was returned unfiled pending filing with the Appeals Court.
28. Plaintiff filed a Stay of Mandate with the Appeals Court January 29, 1996.
29. The Appeals Court granted the motion for Stay of Mandate February 26, 1996 pending review of the Petition for Writ of Certiorari with the Supreme Court of the United States.
30. Plaintiff filed the Petition for Writ of Certiorari with the U.S. Supreme Court March 7, 1996 and paid the fee.

31. In a separate pleading, the plaintiff also filed a Petition for Writ of Prohibition on March 7, 1996.
32. The Petition for Writ of Certiorari was returned unfiled March 14, 1996 for noncompliance with Rule 33.1.(d) and the Clerk's office granted the petitioner 60 days from March 14, 1996 to resubmit.

BASIS FOR JURISDICTION OF THE SUPREME COURT

The plaintiff requests the Court to review the Order entered by the United States Court of Appeals for the Federal Circuit November 8, 1995 in 95-5023, Robinett v. United States. This petition is filed under Rule 11 of the Supreme Court of the United States, and Article III of the Constitution of the United States.

The Chief Justice of the Supreme Court of the United States granted the plaintiff an extension of time to and including March 7, 1996 to file the Petition for Writ of Certiorari.

Plaintiff filed the petition on that date and was granted an additional 60 days to resubmit the petition in compliance with Rule 33.1.(d).

Motion for a Stay of Mandate in the United States Court of Appeals for the Federal Circuit has been granted pending review of the petition by the Supreme Court.

The Mandate of the Appeals Court denying the combined petition for rehearing and suggestion for rehearing in banc was issued November 15, 1995. The plaintiff maintains that the Appeals Court has entered a decision in conflict with the decisions of other U.S. Appeals Courts on some of the same important matters and has decided an important federal question in a way that conflicts with relevant decisions of the United States Supreme Court.

While judgement has been issued by the Appeals Court, stay of mandate has been granted in that court, therefore 28 U.S.C. 2101(e) is also cited invoking the jurisidiction of the Supreme Court under Rule 11.

Since the judgement of the Appeals Court is sought to

be reviewed, the basis for federal jurisdiction in the lower court is also mentioned here and includes Article III, sections 1 & 2 of the United States Constitution, Amendments I, IV,V, VIII, IX, X, XIII, XV, and XXIV, Title 45 Code of Federal Regulations Part 46, the Internal Revenue Code, including sections 999, 1563, 883, etc. as listed in the original case filing, and 28 U.S.C. 1491 in onjunction with Amendments I and V of the U.S. Constitution.

While the constitutionality of certain Acts of Congress is called into question, the United States is a party to the suit and federal departments, offices, agencies, officers and employees are likewise involved, therefore, 28 U.S.C. 2403(a) may apply.

Service shall be made on the Solicitor General of the United States.

The United States Court of Appeals for the Federal Circuit has not certified to the Attorney General of the United States that the constitutionality of an Act of Congress was drawn into question pursuant to 28 U.S.C. 2403(a).

REASONS RELIED ON FOR ALLOWANCE OF THE WRIT OF CERTIORARI

1. As mentioned previously, the Appeals Court has entered a decision in conflict with the decision of another United States Court on the application of the statute of limitations. The constitutionality of certain Acts of Congress is also called into question here. (See also, Orlikow v. U.S. 682 F.Supp. 77 (D.D.C 1988).
2. The lower Court and the Appeals Court have decided important questions of federal law that should be reviewed by the Supreme Court. If the lower courts enter decisions in conflict with past Supreme Court decisions, and if no other court can claim jurisdiction over legal 'gray areas' involving new technologies not covered by existing laws, than certainly these issues should be addressed to the Supreme Court. (see especially questions 4 & 5 on page 2 of this petition).

APPENDIX

TEXT: Petition Seeking Writ of Prohibition

filed: March 7, 1996 as a separate pleading from Petition for Writ of Certiorari.

No._____

In The Supreme Court of the United States

Michael Robinett

Plaintiff

v.

The Federal Government of the United States

Defendant

Petition Seeking Writ of Prohibition

(Separate Pleading)

The plaintiff petitions the Court for a writ of prohibition against the defendant for allowing use of federal funds and technology against United States citizens in general and the plaintiff in particular at any time in general and during national and state election campaigns in particular.

This petition also includes prohibition against the defendant for use of federal funds and technology for the purposes of obstruction of the plaintiff in filing legal action against the defendant.

This includes use of federally funded surveillance and monitoring technologies for the sole purposes of obstruction, political, economic, social or psychological destabilization and suppression or use in inducing private U.S. citizens to engage as agents of the defendant in the above mentioned activities.

This prohibition includes use of federally funded officers, employees, agents, etc. in violation of the Hatch Act

in both federally and privately funded election campaigns in activities to defraud or obstruct U.S. citizens in general and the plaintiff in particular.

TEXT: Action on application for stay of mandate

Supreme Court of the United States
Office of the Clerk
Washington, D.C. 20543

William K. Suter
Clerk of the Court

February 21, 1996

Dear Mr. Robinett:

Your application for stay received February 16, 1996 is herewith returned for the following reason(s):

You failed to comply with Rule 23.3 of the Rules of this Court which requires that you first seek the same relief in the appropriate lower courts and attach copies of the orders from the lower courts to your application filed in this Court.

You failed to identify the judgement you are asking the Court to review and to append a copy of the order or opinion as required by Rule 23.3 of this Court's Rules.

You must set forth with specificity why the granting of a stay is deemed justified.

I spoke with the United States Court of Appeals for the Federal Circuit and your stay application is pending and they do not plan on ruling on it. Also, the copy of the lower court's opinion is missing pages--you must enclose a copy of the entire opinion. In addition you must state what harm will occur if a stay is not granted.

Sincerely,
William K. Suter
Clerk
By:
Cynthia Rapp

TEXT: Action on application for extension of time

Supreme Court of the United States
Office of the Clerk
Washington, D.C. 20543

William K. Suter
Clerk of the Court

January 24, 1996
Re: Michael Robinett
v. United States
Application No. A-604

Dear Mr. Robinett:

The application for an extension of time within which to file a petition for writ of certiorari in the above-entitled case has been presented to the Chief Justice who on January 24, 1996, extended the time to and including March 7, 1996.

This letter has been sent to those on the attached notification list.

Sincerely,
William K. Suter,
Clerk
By:
Sandra Elliot Spagnolo
Assistant Clerk

TEXT: Order granting stay of mandate

United States Court of Appeals for the Federal Circuit
95-5023, Robinett v. U.S.
ORDER

Appellant's motion for stay of mandate filed with this court on January 30, 1996, being treated as a motion to recall mandate is hereby, GRANTED; the mandate is stayed pending action on appellant's Petition for Writ of Certiorari with the Supreme Court of the United States.

For the Court
Francis X. Gindhart
Clerk

February 26, 1996

cc: Michael Robinett
Gary R. Allen, Esq.
U.S. Court of Federal Claims

TEXT: Order concerning combined petition for rehearing

United States Court of Appeals for the Federal Circuit

ORDER

A combined petition for rehearing and suggestion for rehearing in banc having been filed by the Appellant, and the petition for rehearing having been referred to the panel that heard the appeal, and thereafter the suggestion for rehearing in banc having been referred to the circuit judges who are in regular active service,

Upon consideration thereof, it is

Ordered that the petition for rehearing be, and the same is hereby, Denied and it is further

Ordered that the suggestion for rehearing in banc be, and the same hereby is, Declined.

The mandate of the court will issue November 15, 1995.

For the Court
Francis X. Gindhart,
Clerk

Dated: November 8, 1995

By:
Diane M. Frye
Chief Deputy Clerk

cc: Michael Robinett
Gary R. Allen
Robinett v. US
(CFC - 94-229T)

Note: Pursuant to Fed. Cir. R. 47.6, this order is not citable as precedent. It is a public record.

TEXT: Judgement, U.S. Court of Appeals

United States Court of Appeals for the Federal Circuit

95-5023

Michael Robinett

Plaintiff-Appellant

v.

The United States

Defendant-Appellee

JUDGEMENT

On Appeal from the: U.S. Court of Federal Claims
in Case No. 94-229T
this Cause having been heard and considered, it is
Ordered and Adjudged:

AFFIRMED

Dated: August 10, 1995

Entered by Order of the Court
Francis X. Gindhart,
Clerk

Issued as Mandate: November 15, 1995

TEXT: Notice of Entry of Judgement and Opinion

United States Court of Appeals for the Federal Circuit

Notice of Entry of Judgement
Accompanied by Opinion

Opinion Filed and Judgement Entered: August 10, 1995

The attached opinion announcing the judgement of the court in your case was filed and judgement was entered on the date indicated above. The mandate will be issued in due course.

Information is also provided about petitions for rehearing and suggestions for rehearing in banc. The questions and answers are those frequently asked and answered by the Clerk's Office.

Costs are taxed against the Appellant(s) in favor of the Appellee(s) under Rule 39. The party entitled to costs is provided a bill of costs form and an instruction sheet with this notice.

The parties are encouraged to stipulate to the costs. A bill of costs will be presumed correct in the absence of a timely filed objection.

Costs are payable to the party awarded costs. If costs are awarded to the government, they should be paid to the Treasurer of the United States. Where costsl are awarded against the government, payment should be made to the person(s) designated under the governing statutes, the court's orders, and the parties written settlement agreements. In cases between private parties, payment should be made to counsel

for the party awarded costs or, if the party is not represented by counsel, to the party pro se. Payment of cousts should not be sent to the court. Costs should be paid promptly.

If the court also imposed monetary sanctions, they are payable to the opposing party unless the court's opinion provides otherwise. Sanctions should be paid in the same way as costs.

Exhibits and visual aids shall be promptly retrieved by the party that lodged them with this court.

Francis X. Gindhart
Clerk

cc: Michael Robinett
Gary R. Allen

Robinett v. US, 95-5023
(CFC - 94-229T)

TEXT: Notice of entry of judgement and opinion

Corrected
United States Court of Appeals for the Federal Circuit

Notice of Entry of Judgement
Accompanied by Opinion

Opinion Filed and Judgement Entered: August 10, 1995

The attached opinion announcing the judgement of the court in your case was filed and judgement was entered on the date indicated above. The mandate will be issued in due course.

Information is also provided about petitions for rehearing in banc. The questions and answers are those frequently asked and answered by the Clerk's Office.

No costs will be taxed in thisl appeal.

Exhibits and visual aids will be promptly retreived by the party that lodged them with this court.

Francis X. Gindhart
Clerk

cc: Michael Robinett
Gary R. Allen

Robinett v. US, 95-5023
(CFC - 94-229T)

TEXT: August 10, 1995 Decision, Court of Appeals

Note: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. The disposition will appear in tables appearing periodically.

United States Court of Appeals For the Federal Circuit

95-5023

Michael Robinett,

Plaintiff-Appellant,

v.

The United States,

Defendant-Appellee

DECIDED: August 10, 1995

Before Mayer, Clevenger, and Rader, Circuit Judges.

Per Curiam.

Plaintiff-Appellant Michael Robinett seeks review of the September 22, 1994 Judgement of the United States Court of Federal Claims, Docket No. 94-229T, dismissing his complaint for lack of jurisdiction. We affirm.

Robinett brought suit in the Court of Federal Claims on April 8, 1992. Robinett's complaint included claims dating back to 1979 for overpayment of taxes, back wages, lost income, personal injury damages and expenses. Robinett claimed $101,644.85 for a refund for overpayment of taxes,$114,619850.00 for lost income, and expenses, and $9,579,658,342.00 for personal injury damages.

On April 14, 1994, the Court of Federal Claims dismissed all of Robinett's claims, except the claim for refund

for overpayment of federal taxes, for lack of jurisdiction. The Court of Federal Claims ordered Robinett to file a supplementary complaint describing the basis for his claim for a refund. The Court of Federal Claims required Robinett to include copies of correspondence from the Internal Revenue Service (IRS) rejecting the specific claim for refund for which he sought relief.

On August 10, 1994, the Court of Federal Claims granted Robinett's motion for an extension of time until September 9, 1994 to file his supplemental complaint. On September 6, 1994, Robinett requested a second extension of time in order to "acquire access to the government documents. . . . covering federally funded human & animal experimentation. . . ." On September 16, 1994, the Court of Federal Claims denied Robinett"s motion for a further extension of time. On September 22, 1994, the Court of Federal Claims dismissed Robinett's complaint, pursuant to the September 16, order denying the motion for extension of time.

This court reviews a dismissal of a complaint for lack of jurisdiction de novo. Transamerica Ins. Corp. v. United States, 973 F.2d 1572, 1576 (Fed. Cir. 1992).

Robinett argues that the Court of Federal Claims improperly dismissed his claims for back wages, lost income, expenses and personal injury damages. Below, Robinett argued that the Court of Federal Claims had jurisdiction under 45 C.F.R. part 46 (Protection of Human Subjects) (1995), the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. (1988 & Supp. 1993) (OSHA) and the Constitution. On appeal, Robinett further argues that the Court of Federal Claims had jurisdiction under the National Childhood Vaccine

Injury Act, 42 U.S.C. 300 AA-1 (1988 & Supp. V 1993) (Vaccine Act) because he was injected with foreign material (micro-electronic identification tags, micro-electronic sensor and actuator devices, biological agents, radiological material, and "harassing or discrediting" chemical reagents or toxins). Robinett also claims that hydration and nutrition were removed by injection. We note that 45 C.F.R. part 46 and OSHA do not create any private right of action to recover damages. See, e.g., Crane v. Conoco, Inc., 41 F. 3d 547, 553 (9th Cir. 1994). Robinett failed to allege any violation of a constitutional provision mandating the payment of money damages by the government. The Vaccine Act requires plaintiffs to show that they have been injured by vaccines listed on the vaccine talbe, something that Robinett does not even allege. Therefore, the Court of Federal Claims correctly held that Robinett's claims for back wages, lost income, expenses and personal injury damages were beyond its jurisdiction.

In order to invoke the jurisdiction of the Court of Federal Claims over a tax refund suit, the taxpayer must have made full payment of the outstanding liability. Flora v.United States, 362 U.S. 145, 177 (1960). Robinett argues that he provided the Court of Federal Claims with the IRS documentation required by the Court of Federal Claims in its April 14 order. Robinett points to correspondence from the IRS showing that he owed no taxes for the 1992 tax year. Actually, this is nothing more than a letter with respect to a single year, and contains no information with respect to any of the sixteen other tax years for which Robinett seeks a refund. Therefore, the Court of Federal Claims properly dismissed Robinett's claim for a refund of taxes.

Finally, we note that Robinett's claims, which date from 1979, are barred by the six year statute of limitations. 28 U.S.C. 2501 (1988 & Supp. V 1993).

No costs.

95-5023

TEXT: Motion to include additional documentation

The United States Court of Appeals for the Federal Circuit

No. 95-5023

Robinett,

Plaintiff-Appellant

v.

United States,

Defendant-Appellee

September 18, 1995

Motion to Include Additional Documentation With the Petition for Rehearing and Suggestion for Rehearing in Banc.

Plaintiff requests the Court's permission to include additional documentation with the petition for rehearing and suggestion for rehearing in banc.

Since the August 10, 1995 decision by the Court included references to lack of documentation from the Internal Revenue Service, the plaintiff asks the Court to allowhim to include documentation for the year subsequent to filing the suit herein. Other documentation is included in the original suit.

Also since the lower court refused to grant the plaintiff an additional extension of time to obtain further documentation from the Central Intelligence Agency under the Freedom of Information Act, the plaintiff requests the Court to allow him to include a single document herein. The main body of information obtained thus far is several hundred pages long and is too bulky to include here.

TEXT: Internal Revenue Service Correspondence

57221-232-54523-4 9508 CP:25

Department of the Treasury
Internal Revenue Service
Atlanta, Ga 39901

Date of Notice: Mar.4, 1995
Taxpayer ID: 261-11-4282
Form: 1040:
Tax Period: Dec.31,1993

Michael Robinett
1609 South Fairfield Drive
Pensacola, Florida 32507-1606091

For assistance you may call us
at 354-1760 Local Jax.
1-800-829-1040 Other Fl.

We Changed Your Estimated Tax Total

We changed your 1993 return. As a result of these changes, you owe $0.00. When the amount you owe is less than $1, we do not ask you to pay. (We send refunds of less than $1 only if we are asked to in writing.)

If you think we made a mistake, please write to us, enclosing the stub at the end of this notice with your reply.

Your tax statement

Adjusted gross income on return	$754,426.00-
Taxable income on return	.00
Payments and credits	
Tax witheld	.00
Estimated tax payments	.00
Other credits	.00
Other payments	.00
Total payments and credits	.00

Tax	
Total tax on return	.00
Corrected tax on return	.00
Overpayment of taxes	.00
Penalty	.00
Interest	.00
Amount you owe	.00

TEXT: Correspondence from CIA-FOIA Office

Central Intelligence Agency
Washington, D.C. 20505

Mr. Michael Robinett
c/o 1609 South Fairfield Drive
Pensacola, Florida 32507
Reference: P95-1519
Dear Mr. Robinett:

This acknowledges receipt of your letter dated 12 June 1995 wherein you provided additional information pursuant to your request for information pertaining to yourself. For indentification purposes we have assigned your request the number referenced above.

We have accepted your request it will be processed in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended, and the Privacy Act of 1974, 5 U.S.C. 552a. Our search will be for documents in existence as of and through the date of this acceptance letter. No fees will be charged.

The heavy volume of FOIA requests received by the Agency has created delays in processing. Since we cannot respond within the 10 working days stipulated by the FOIA, you have the right to consider this a denial and may appeal to the CIA Information Review Committee. It would seem more reasonable, however, to have us continue processing your request and respond to ;you as soon as we can. you can appeal any denial of records at that time. Unless we hear from you otherwise, we will assume that you agree, and we will proceed on this basis.

Sincerely, John H. Wright

TEXT: Notice of Docketing

United States Court of Appeals for the Federal Circuit

Notice of Docketing

95-5023 - Robinett v. US

Novemer 29, 1994

Date of Docketing

Appeal from: United States Court of Federal Claims

94-229T

Name of Appellant(s): Michael Robinett

Critical dates for counsel, pro se parties, and court include:

Date of docketing, as above (Rules 12 & 15)

Representation statement (Rule 12)

Entry of appearance due (Rule 47.3)

Certificate of interest due (Rule 47.4)

Briefs due (Rule 31)

Calendar for oral argument or submission on briefs (Rule 34)

Pro se parties should refer to the guide for pro se petitioners and appellants.

Attachments (with recipients noted) to this notice include:

Official caption (All)

Rules of practice (includes guide for pro se petitioners and appellants) (Private parties or counsel)

Entry of appearance form (All counsel and pro se parties)

Informal brief form (Pro se parties)
Motion and Affadavit for leave to Proceed in Forma Pauperis form (Parties owing the docketing fee)

Francis X. Gindhart
Clerk

cc: US Court of Federal Claims
Michael Robinett
Jay G. Philpott, III

TEXT: Order, U.S. Court of Federal Claims

In the United States Court of Federal Claims

Michael Robinett

Plaintiff

v.

United States of America

Defendant

No. 94-229T

Filed: October 6, 1994

ORDER

We interpret the plaintiff's motion for relief to be a motion for reconsideration pursuant to Rule 59. That motion is DENIED.

Robert H. Hodges, Jr.
Judge

TEXT: Judgement, U.S. Court of Federal Claims

In the United States Court of Federal Claims

No. 94-229T

Michael Robinett

v.

The United States

Judgment

Filed: Sep 22, 1994

Pursuant to the court's order of September 16, 1994, denying the plaintiff's motion for enlargement of time,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that the complaint is dismissed. No costs.

David A. Lampen
Clerk of Court

September 22, 1994

By:
Deputy Clerk

Note: As to appeal, 60 days from this date, see RCFC 72 re number of copies and listing of all plaintiffs. Filing fee is $105.00.

TEXT: Order, U.S. Court of Federal Claims

In the United States Court of Federal Claims

Michael Robinett

Plaintiff

v.

United States of America

Defendant

No. 94-229T

Filed: Sept. 16, 1994

ORDER

In April, we dismissed all of plaintiff's claims except for that which sought "payment of refund due for overpayment of federal taxes already paid." We asked that plaintiff file a supplemental complaint stating the nature and basis of his last remaining claim. Plaintiff has not clarified his theory of recovery and he has not produced evidence showing that this court has jurisdiction to hear his claim. We may not hear claims for refunds of taxes unless plaintiff has made full payment of the assessed tax liability before filing suit. Flora v. United States, 357 U.S. 63 (1958), affirmed on rehearing, 362 U.S. 145 (1960). No evidence in this case supports jurisdiction even if plaintiff had provided a basis of recovery.

Plaintiff requests an enlargement of time to file his supplemental complaint. We do not understand the relationship between the information plaintiff now seeks, which is the apparent basis for the enlargement, and the single claim to be addressed in his supplemental complaint. The August 10 order clearly warned plaintiff that failing to file supplemental complaint on or before September 9, 1994 could result in dismissal of the complaint in its entirety. lWe do not find that an extension of time would benefit plaintiff or would further the interests of justice. In short, we have provided

plaintiff ample opportunity to address the single claim not dismissed earlier, but plaintiff has been nonresponsive to our requests.

Plaintiff's motion for enlargement is DENIED. The clerk will dismiss the complaint. No costs.

Robert H. Hodges, Jr.
Judge

TEXT: Order, U.S. Court of Federal Claims

In the United States Court of Federal Claims

Michael Robinett

Plaintiff

v.

United States of America

Defendant

No. 94-229T

Filed: Aug. 25, 1994

ORDER

Plaintiff's motion for relief from order to dismiss was rejected because a motion to dismiss had not been filed on July 29, 1994. To our knowledge, it has not been filed to this date. The clerk will return plaintiff's motion unfiled.

Robert H. Hodges, Jr.
Judge

TEXT: Order, U.S.Court of Federal Claims

In the United States Court of Federal Claims

Michael Robinett

Plaintiff

v.

United States of America

Defendant

No. 94-229T

filed: Aug. 10, 1994

ORDER

On April 14, we required plaintiff to file a supplementary complaint by May 2 describing succintly the nature of his claim for refund of federal taxes and including copies of correspondence from IRS rejecting the specific claim for refund for which plaintiff seeks relief.

On June 28, by leave of court, plaintiff filed a motion for enlargement of time to present supplemental information. Plaintiff's motion for enlargement of time is GRANTED. Plaintiff should file his supplemental complaint on or before September 9. Defendant should file its response no later than September 23. We have attempted to provide plaintiff with every opportunity to present a claim within this court's jurisdiction. However plaintiff's failure to file a supplemental complaint in the time allowed by this order may result in dismissal of the remaining claims.

Defendant filed motions for enlargement of time on July 22, July28, and August 3. Defendant's motions are GRANTED. Defendant should proceed in accordance with the schedule set forth above.

Robert H. Hodges, Jr.
Judge

TEXT: Motion for Relief from Order to Dismiss

In the United States Court of Federal Claims

1 : 94-cv-00229*

Michael Robinett

Plaintiff June 17, 1994

v.

United States of America

Defendant

MOTION

Plaintiff files motion for relief from ORDER filed April 14, 1994 claiming the Court lacks jurisdiction over issues of back pay/ back wages, lost income, expenses and personal injury damages and requests the court to immediately forward these aspects of thecase to the civil division of the Justice Department for review.

Plaintiff requests the Court to direct its attention to Appendix K, sections 13/125, 13/195, 13/170, 13/230, 13/380, related section 5/490 and section 4.c. of Appendix K, cover sheet information, pages 64 and 65, Rules of the United States Claims Court.

Michael Robinett

cc: Clerk's Office
Jay G. Philpott, Jr. Esq.

*Note: 94-cv-00229 was the designation given the case by the Justice Department, not 94-229T.

TEXT: Correspondence to U.S. Court of Federal Claims

Michael Robinett
c/o 1609 South Fairfield Drive
Pensacola, Florida 32507

April 21, 1994

Office of the Clerk
United States Court of Federal Claims
717 Madison Place, N.W.
Washington, D.C. 20005

No. 94-229T
Re: ltr. Postmarked April 19, 1994, Washington, D.C.

No. 94-229T was filed with the Office of the Clerk April 8, 1994, not in chamber at a subsequent date.

The plaintiff finds nothing in the rules of the Court of Federal Claims to indicate that the above claim falls outside the jurisdiction of the Court.

No notification of assigned counsel has been sent to the plaintiff in accordance with Rule 81(d)(3).

Paragraphs 1 through 72 of the complaint filed with the court detail the general basis for the plaintiff's complaint, with paragraphs 2 and 7 dealing more specifically with the Internal Revenue Code, and the interest claimed on the refund due according to Internal Revenue Service instructions concerning actions by the defendant to delay filing a return, amended return, etc.

The plaintiff will forward supplemental information as requested by May 2, 1994 and requests the court to cite specific Court Rules and other legal statutes supporting the court's claim that the rest of the claim falls outside the

jurisdiction of the Federal Claims Court.

The plaintiff also respectfully requests the court to forward copies of General Order No. 34 concerning 28 U.S.C. 372 (c) as previously set forth in appendix B.

Respectfully,

Michael Robinett

TEXT: IRS Correspondence filed in chambers, USCFC

Fax filing in chambers to Judge Robert H. Hodges, Jr.
May 2, 1994.
Refiled subsequently with Clerk's office separately and with various motions:

Department of the Treasury
Internal Revenue Service
Atlanta, Ga 39901

Date of Notice: May 24, 1993
Taxpayer ID: 261-11-4282
Tax Period: Dec. 31, 1992

Michael Robinett
1609 South Fairfield Drive
Pensacola, Florida 32507-1606-091

For assistance you may call us
at 354-1760 Local Jax.
1-800-829-1040

We Changed Your Estimated Tax Total

We changed your 1992 return because:
You claimed an incorrect amount as estimated tax payments and credits (see the statement of your estimated tax account at the end of this notice)
As a result of these changes, you owe $.00. When the amount you owe is less than $1, we do ask you to pay. (We send refunds of less than $1, only if we are asked in writing.)
If you think we made a mistake, please write to us, enclosing the bottom part of this notice with your reply.

Your Tax Statement

Adjusted Gross Income on Return	32,575.00-
amount you owe	.00
Adjusted Gross Income as Corrected	27,575.00-
amount you owe	.00

Taxable income on return	.00
Tax witheld	.00
Estimated tax payments	.00
Other payments	.00
Total tax payments and credits	.00
Corrected on tax return	.00

Our records do not show any estimated tax credits for social security number 261-11-4282.

To be sure that IRS employees give courteous responses and correct information to taxpayers, a second IRS agent sometimes listens in on telephone calls.

Keep this part for your records.

TEXT: ORDER, U.S. Court of Federal Claims

In the United States Court of Federal Claims

Michael Robinett

Plaintiff

v.

United States of America

Defendant

No. 94-229T

Filed: April 14, 1994

ORDER

Plaintiff's claims for lost income, back wages, expenses and personal injury damages are beyond the jurisdiction of this court and therefore dismissed. We may consider only plaintiff's claim for "payment of refund due for overpayment of federal taxes already paid." However, it is not clear what the basis for plaintiff"s claim for refund is based upon. Plaintiff will file a supplementary complaint describing succintly the nature of his claim for refund, and the basis therefor. Include copies of correspondence from IRS rejecting the specific claim for refund for which plaintiff seeks relief in this court. this supplemental information must be filed no later than May 2.

Robert H. Hodges

Judge

TEXT: Notice of assignment to Judge Robert H. Hodges, Jr.

In the United States Court of Federal Claims
No. 94-229T

Michael Robinett

v.

United States of America

Notice of Assignment to Judge Robert H. Hodges, Jr.
April 12, 1994

Pursuant to Rule 77(f) this case has been assigned to the above Judge for the conduct of proceedings pursuant to the rules of this court. Careful consideration and observance by counsel of the rules of the court and the orders of the judge applicable to the various steps required for the prosecution of the case will enable the judge and the clerk of court to assist counsel in the expeditious disposition of the case with a minimum of time and expense. Counsels' attention is called to Appendix G to the Rules, which govern proceedings before trial, and has application in every case unless an order is entered providing otherwise. As to the duplication, form and size requirements and number of copies of papers to be filed, see Rules 82 and 83. As to service, see Rule 5. All matters are to be brought to the attention of a judge through formal filings rather than by correspondence; letters are not to be directed to a judge unless specifically requested.

Also, counsels' attention is called to General Order #13 that implements two methods of Alternative Dispute Resolution. The methods are both voluntary (ie. both parties

must agree to use the procedures) and flexible, and should be employed early in the litigation process.

The United States is requested to promptly file written notification of the name, address and telephone number of assigned counsel in accordance with Rule 81(d)(3).

Pursuant to General Order 32: "In pleadings and papers other than the complaint, the name of the judge assigned to the case shall appear under the docket number."